

REMARKS

In the present Office Action, dated December 19, 2006, claims 1-27 are pending in the application, and currently stand rejected. The applicant would like to thank the examiner for conducting a telephonic interview on March 9, 2007. The content of this interview is reflected in the remarks below.

In addition to the amendments discussed below, the applicants have amended the claims to resolve typographical errors without modifying their scope or substance.

Claim Rejections Under 35 U.S.C. § 101

The examiner states that independent claim 1 merely resolves a mathematical algorithm and fails to produce a practical, concrete, and tangible result. During the telephonic interview the examiner stated that this rejection could be overcome if the claim is amended to more clearly identify the intended context and output of the invention. Claim 1 now recites “A *computer implemented* method of *determining a target type* in an expression with an undefined operator” (emphasis added). Support for this amendment can be found at least in paragraphs 0031 and 0042.

In light of the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility,” the applicants respectfully submit that by “specifically reciting in the claim the practical application” (see Interim Guidelines, page 21 line 6), the claim now produces a useful, tangible and concrete result. In particular, referring to pages 19-22 of the Interim Guidelines, the claim now recites a result that is

- (1) “useful” because the result is specific, substantial and credible, i.e., a computer implemented method for determining a target type when an operator is undefined,
- (2) “tangible” because the invention produces a real-world result – enables, for example, a compiler to determine a target type when an expression with an undefined operator is encountered, and
- (3) “concrete” because the result is substantially repeatable (i.e., the method can be used whenever an expression with an undefined operator needs to be resolved, yielding substantially similar results).

Thus, the applicant respectfully submits that claim 1 is allowable as reciting statutory subject matter. Independent claims 8, 10, 17, 19 and 26 recite similar limitations and are thus allowable for similar reasons. The dependent claims, insofar as they incorporate the limitations of the independent claims, are also allowable as statutory subject matter.

The examiner also rejects claims 10-18 because of their reference to “computer readable media,” which in the specification includes wireless media which the examiner contends is neither concrete nor tangible. During the telephonic interview the examiner stated that this rejection could be overcome if the claims are amended to exclude wireless media from their scope. The applicants have amended the claims to recite “computer-readable *storage* medium” (emphasis added). Referring to paragraph 0034 of the specification, lines 5 and 8 refer to “storage media” which includes various forms of tangible media such as RAM, ROM and EEPROM. Storage media is distinguished from “communication media” (see lines 13-20) which includes wireless media. Lines 20-21 states that the combination of “storage media” and “communication media” is included within the scope of “computer readable media.” By amending the claim to recite “storage media” instead of “computer readable

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media,” the claim now explicitly refers to tangible media as defined in the specification, and excludes wireless media.

Thus, the applicant respectfully submits that claim 10-18 are allowable as reciting statutory subject matter.

CONCLUSION

The applicants believe that the present amendment is responsive to each of the points raised by the examiner in the Office Action, and submits that claims 1-27 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner’s earliest convenience is earnestly solicited. Should the examiner have any further suggestions for expediting the prosecution of the presently pending claims, the undersigned respectfully asks the examiner contact him at 206-332-1384.

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Michael D. Stein
Registration No. 34,734

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439